THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.11154 of 2007

Date: 30.05.2007

Between:

N.Rama Prasada Rao

....Petitioner

And

The Government of A.P. and another.

....Respondents

O R D E R:

Petitioner states that he is the owner and possessor of land admeasuring 266 square yards, in survey No.206/2 of Adavivaram Village, Visakhapatnam District. It is stated that he intended to sell the said land and in that process, he approached the second respondent, to register the same in favour of the intending purchaser. The grievance of the petitioner is that the second respondent is not entertaining any document on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second

respondent to receive and process the documents that may be presented by the petitioner and take necessary steps, in accordance with the provisions of the Act without reference to any circulars issued by the Government of A.P. or any other functionaries under the Act. There shall be no order as to costs.

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30.05.2007

kdl

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77